

REMARKS

In the final Office Action mailed June 25, 2008, (hereinafter, "Office Action"), the Examiner rejected claims 1-7, 9-26, 28-45, and 47-57 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0097270 to Musselwhite et al. (hereinafter, "Musselwhite").

By this response, Applicants propose amending claims 1, 20, and 39. Claims 8, 27, 46, and 58-60 were previously canceled. No new matter has been added. Accordingly, upon entry of the proposed claim amendments, claims 1-7, 9-26, 28-45, and 47-57 will remain pending.

Based on the following remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of pending claims 1-7, 9-26, 28-45, and 47-57.

I. Claim Amendments

Applicants respectfully request that the proposed amendments to claims 1, 20, and 39 be entered by the Examiner. Claim 1 has been amended to recite, *inter alia*, "processing all transactions associated with the account parameter time period that expired at the end of the previous billing cycle based on the second account parameters, including the determined transactions processed based on the first account parameters in the previous billing cycle."

The amendment to claims 1, 20, and 30 make explicit that which was implicit. Namely, that "all transactions" are processed "including the determined transactions processed based on the first account parameters in the previously billing cycle."

Therefore, Applicants submit that the proposed amendments of claims 1, 20, and 39 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined.

II. Claim Rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-7, 9-26, 28-45, and 47-57 under 35 U.S.C. § 103(a) as being unpatentable over Musselwhite. The cited art fails to disclose or suggest the claim recitations or provide an appropriate rationale to support a conclusion of obviousness regarding at least independent claims 1, 20, and 39, in light of the decision by the U.S. Supreme Court in KSR Int'l. Co. v. Teleflex Inc., 550 U.S. ___, 82 USPQ2d 1385 (2007) that would enable "prompt resolution of issues pertinent to patentability." See M.P.E.P. § 2141, 8th Ed., Rev. 6 (Sept. 2007).

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2141(III). "The Supreme Court in [KSR] noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Id. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (internal citations omitted).

The rejection of claim 1 should be withdrawn because Musselwhite does not disclose or suggest, *inter alia*, "processing all transactions associated with the account parameter time period that expired at the end of the previous billing cycle, including the determined transactions processed based on the first account parameters in the

previous billing cycle, based on the second account parameters," as recited in amended independent claim 1. Instead, Musselwhite states that "credit card issuer 1200 may determine whether there are any advantage credit card transactions included in the collected transactions" Musselwhite, ¶ 0062. According to Musselwhite, "[i]f not (Step 730; NO), the transactions are processed using the standard parameters" Id. "On the other hand, if there are advantage credit card transactions (Step 730; YES), these transactions are processed using the advantage parameters" Id. at ¶ 0063.

Accordingly, neither Musselwhite, nor any obvious variant thereof, discloses or suggests all of the recitations of amended independent claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of amended independent claim 1.

Amended independent claims 20 and 39, although of different scope, include recitations similar to those of amended independent claim 1. Thus, claims 20 and 39 are allowable for the same reasons as set forth above in connection with claim 1. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of amended independent claims 20 and 39.

Claims 2-7 and 9-19 depend from amended independent claim 1. Claims 21-26 and 28-38 depend from amended independent claim 20. Claims 40-45 and 47-57 depend from amended independent claim 39. For at least the same reason as set forth above in connection with their corresponding amended independent claims, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of dependent claims 2-7, 9-19, 21-26, 28-38, 40-45, and 47-57.

III. Conclusion

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-7, 9-26, 28-45, and 47-57 in condition for allowance. Applicants submit that the proposed amendments of claims 1, 20, and 39 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

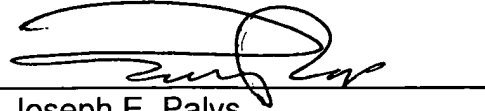
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: September 25, 2008

By: _____

A handwritten signature in black ink, appearing to read "Joseph E. Palys", is written over a horizontal line.

Joseph E. Palys
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